IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

Writ Petition No. 1022 of 2004 (M/B)

Raja Dogra S/o Late Sri Amarnath Dogra,
15/1 Subhas Road, Dehradun & another. ……. Petitioners

Versus

Mussoorie Dehradun Development Authority,
12 Pritam Road, Dehradun,
Through its Secretary & others. …….. Respondents

Mr. L.P. Naithani, learned senior counsel assisted by Mr. Udyog Shukla, learned counsel for the petitioners.
Mr. Sudhanshu Dhulia, learned senior counsel on behalf of respondent No. 1.
Mr. K.P. Upadhyaya, learned Brief Holder on behalf of respondents No. 2 & 3.

Coram: Hon. V.S. Sirpurkar, C.J.
Hon. Irshad Hussain, J.

(Per Hon'ble the Chief Justice)

1. Rule returnable forthwith. Learned counsel for the parties appeared and waived notices. Heard finally with the consent of the parties.

2. The prayer in this writ petition is to quash the order dated 10.09.2004, which is a citation for the recovery of Rs. 85,000/-. All that the petitioner says is that his some amount of approximately Rs. 2,00,000/- is already deposited with the Mussoorie Dehradun Development Authority (M.D.D.A.). If that is so, the amount of recovery shall be adjusted from that amount. Mr. Sudhanshu Dhulia, learned senior counsel appearing on behalf of M.D.D.A. does not have any objection for this. This will be without prejudice to the petitioner's right to contend that the demolition, itself, was unauthorized.

3. With these observation, the writ petition is disposed of finally.

(Irshad Hussain, J.) **(V.S. Sirpurkar, C.J.)**
14.10.2004 **14.10.2004**

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